



**Office of the Public Auditor
Commonwealth of the Northern Mariana Islands**

F.O. Box 1399
Saipan, MP 96950

John
Phillips
Tel: 234-6481-2/86
Fax: 234-7812
Cable Address:
Pub Aud NMI Saipan

December 28, 1993

Mr. Robert A. Bisom
Legal Counsel
Office of the Public Auditor
P.O. Box 1399
Saipan, MP 96950

Dear Mr. Bisom:

This letter is to officially inform you that the Office of the Public Auditor is terminating your employment as Legal Counsel effective seven days from the date you receive this letter. This action is being taken pursuant to Part I.9.B of the Excepted Service Personnel Regulations and Section 14(B) (2) of the Conditions of Employment (part of your Excepted Service Contract) which you signed on April 18, 1993.

The general/specific reasons for initiating this action are due to the following:

1. Your abandonment of your job on or about December 1, 1993 (see attached letter - Exhibit A).
2. Your refusal to respond in writing to the following letters addressed and delivered to you and/or your attorney Mr. Richard Pierce - as follows:
 - a. letter to Mr. Bisom dated 12/2/93 (exhibit B)
 - b. letter to Mr. Bisom dated 12/2/93 (exhibit C)
 - c. letter to Mr. Bisom dated 12/2/93 (exhibit D)
 - d. letter to Mr. Bisom dated 12/3/93 (exhibit E)
 - e. letter to Mr. Bisom dated 12/3/93 (exhibit F)
 - f. letter to Mr. Bisom dated 12/3/93 (exhibit G)
 - g. letter to Mr. Bisom dated 12/3/93 (exhibit H)
 - h. letter to Mr. Bisom dated 12/6/93 (exhibit I)
 - i. letter to Mr. Bisom dated 12/7/93 (exhibit J)
 - j. letter to Mr. Bisom dated 12/10/93 (exhibit K)
 - k. letter to Mr. Bisom dated 12/23/93 (exhibit L)

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EXHIBIT C 00301

3. Your unauthorized disclosure of confidential information from this office, in possible violation of P.I. 3-91 and P.I. 8-11.
4. Your disclosure of privileged information given to you as Legal Counsel for this office.
5. Your acts to ostensibly be on "sick leave" and/or having medical attention on Guam all the while you have been taking care of personal business and contacting people on Saipan.
6. You were absent from this office without an authorization on November 30, 1993 from 12:30 p.m. to 2:30 p.m.
7. Your use of a government automobile for personal reasons and your continued use of it after I pointed out your possible violations of CNMI laws and personnel regulations and after I ordered you to turn the car into our office immediately.
8. Your actions to try to interfere in and/or cause trouble for this office and/or to humiliate and embarrass me, your supervisor, over the award of an audit contract.
9. Your personal disrespectful and discourteous acts toward me as your immediate supervisor.
10. Your general rebellion and disobedience towards orders and instructions I have given you as your immediate supervisor.
11. Your disregard and lack of attention to work details and requirements.
12. Your inappropriate and out of color of office public statements which appeared to bring disrespect and embarrassment on me and/or this office.

We believe that your actions constitute grounds for termination. Consequently, we have concluded that your employment with the Office of the Public Auditor should be terminated with cause upon seven days notice.

This Office reserve the right to provide more specific information should it become necessary to defend this termination action.

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EXH.C 00302

Upon receipt of this letter, please acknowledge by writing your name and the date in the space provided below.

Sincerely,


Robert D. Bradshaw
Temporary Public Auditor

cc: 12 Enclosures

Received By: _____

Date: _____

EXH. C

00303

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**Office of the Public Auditor
Commonwealth of the Northern Mariana Islands**

**P.O. Box 1399
Saipan, MP 96950**

**Tel: 234-6481-2/8662
Fax: 234-7812
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Pub Aud NMI Saipan**

December 9, 1993

Mr. Robert A. Bisom
Legal Counsel
Office of the Public Auditor
P.O. BOX 1399
Saipan, MP 96950

Dear Mr. Bisom:

I note that you took sick leave December 1, 1993 to December 3, 1993 after telling me late on November 30, 1993 that you needed one day off for sick leave on December 2, 1993 or December 3, 1993 to go to Guam for medical appointment.

On December 1, 1993, you were seen driving around Saipan and you allegedly contacted some people that day and talked about work here at the Office of the Public Auditor.

On December 6, 1993, you telephoned me at this office and said you could not come in because you were going to Guam for medical care. I said I will approve no leave for you without a medical excuse from a doctor. At about 9:00 a.m., you told two employees of this office that you were going to Guam for surgery.

Again, you were allegedly seen driving around Saipan and contacting various people and offices here on December 6, 1993 and December 7, 1993.

On the morning of December 7, 1993, you telephoned this office and said you were not going to Guam this week for medical care but would go next week (of December 13, 1993). You said you would come to work that afternoon but did not.

You came by this office on December 7, 1993 at 12:30 p.m. turned in your office keys and left immediately.

Please be advised that under your contract, I have a right to require a doctor's excuse for all sick leave absences if it appears you are abusing it.

Therefore, I am this day requiring that all of your absences from

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EXH. C
00304

December 1, 1993 on be supported with doctor's excuses. Unless and until I get the medical slips, all of your absences will be carried as unauthorized without pay to include the period 12:30 p.m. to 2:30 p.m. on November 30, 1993 which I separately wrote you about.

Finally, I have your attorney's letter saying you were taking annual leave which "I had approved". Your contract which you should know of as legal counsel, requires that all annual leave be approved in writing before departure. You know this and other employees as well.

On December 6, 1993 at 7:37 a.m. in a brief telephone conversation I also told you that I would not approve any annual leave nor any leaves for you of any kind except with a doctor's medical slip.

I have your attorney's letter in which you are arbitrarily "taking" annual leave to look for employment. Please be advised that I will approve "no" leaves for you until your termination except with a doctor's excuse. You are and continue to be absent without authorization.

I would like to point out that your attorney does not have authority to grant you leave. I have that authority and I will only grant it in conformity with personnel regulations and your contract.

If you choose to not come back to work, I will interpret it as an abandonment of your job and react accordingly.

In answer to your demand for money for travel allowance of "1500 pounds," please be advised of the enclosed letters which indicate that your household goods were not shipped because of the questions of your future employment status. Thus, you are not entitled to something which never happened.

Please advise me in writing of any questions or your positions you have on this. Please remember your constitutional rights. Thank you.

Your very truly,


Robert D. Bradshaw
Temporary Public Auditor

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EXH. C

00305



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE PERSONNEL OFFICER
P.O. BOX 5150 CHRB
SAIPAN, COMMONWEALTH MARIANAS 96950
TEL NOS: (670) 234-6925/7327/6958/8036
FAX NO: (670) 234-1013

MEMORANDUM

DATE: 10/07/93

TO : Legal Counsel, Office of the Public Auditor
FROM : Personnel Officer
SUBJECT : Shipment of Household Goods and Personal Effects

Pursuant to Section 8 (C)(1)(c) of your Conditions of Employment your request to extend the deadline for shipment of your household goods and personal effects to December 31, 1993 is hereby approved.

Norbert S. Sablan
NORBERT S. SABLAN

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EXH. C

00306

MEMORANDUM

TO : Personnel Officer

DATE: 9/24/93

FROM : Legal Counsel, OPA

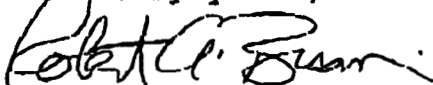
SUBJECT: Shipping of personal and household effects

After speaking with Ken Phillips and consulting with you and with Scott K. Tan, I understand that extending the usual deadline of six (6) months from commencement of contract for the shipping of my personal and household goods is discretionary on the part of the appointing agency and the Personnel Officer.

In view of the uncertainties surrounding the upcoming election, and Mr. Tan's appointment, it would be good for the government as well as for me to extend the deadline for shipping. In other words, under some circumstances shipping prior to the end of October might entail an additional (approximately) \$4,000 expenditure by the government for return shipping in the very near future. This early additional expenditure might possibly be avoided if you can extend the deadline for me to ship my things to Saipan until December 31 of this year. This request and change is not intended in any way to compromise my rights and benefits under my contract.

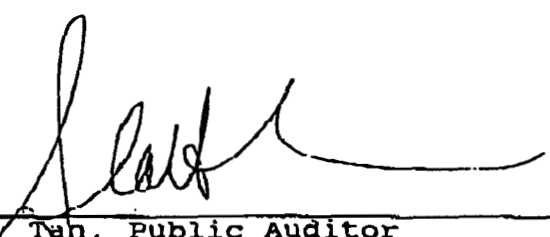
Please respond to me as quickly as possible so that I may make appropriate plans. Thank you very much for your assistance and consideration.

Sincerely yours,



Robert A. Bison

Concurred by:



Scott K. Tan, Public Auditor

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EXH.C

00307



Office of the Public Auditor
Commonwealth of the Northern Mariana Islands

P.O. Box 1399
Saipan, MP 96950

Tel: 234-6481-2/8662
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Pub Aud NMII Saipan


December 2, 1993

Mr. Robert A. Bisom
Legal Counsel
Office of the Public Auditor
P.O. Box 1399
Saipan, MP 96950

Dear Mr. Bisom:

I note that you were absent from this office on November 30th from 12:30 p.m. to about 2:30 p.m.. The time keeper has no record of you being on an authorized leave at that time. I would like to have from you in writing within 48 hours on receipt of this letter, a statement on the reason for your absence.

Thank you,


Robert D. Bradshaw
Temporary Public Auditor

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EXH-C

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00308



**Office of the Public Auditor
Commonwealth of the Northern Mariana Islands**

**P.O. Box 1399
Saipan, MP 96950**

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December 2, 1993

Mr. Robert A. Bisom
Legal Counsel
Office of the Public Auditor
P.O. Box 1399
Saipan, MP 96950

Dear Mr. Bisom:

At a supervisor's staff meeting on November 30, 1993, at about 3 p.m., I learned that you had a Government automobile in your possession which you were using to go back and forth to work by and to and from lunch. I directed that your car to be turned over immediately to the Administrative Officer Dolores Castro.

I pointed out that in my opinion, it is a violation of CNMI public laws for employees to be driving government vehicles in such instances. I noted that CNMI laws provide that public appropriated monies can only be expended for "public" purposes.

Though you are the legal counsel for this office, you offered no comment on this but you fervently argued that you have a contractual right to the car. I said let me see your contract.

You left that day without showing me your contract. And even in the context of driving the car being a possible violation of CNMI laws you went on and took the car home that night.

While absent for "sickness" on December 1, 1993, at about 12:30 p.m., you finally returned the car to this office.

The next day, December 2, 1993, I checked your contract and I can find no contractual rights for you to be using the government car for your personal use. Surely, you must have known what was in your contract.

I find it strange that you, being a lawyer and surely informed on your own contract and of CNMI laws and particularly just after I discussed them with you, that you would consciously and willingly proceed to use the car in possible violation of CNMI laws.

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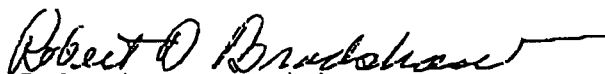
EXH. C

00309

May I have your comment on this problem at once. Please be aware of your rights under the US and CNMI Constitutions.

Thank you.

Your very truly,



Robert D. Bradshaw
Temporary Public Auditor

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EXH. C

00310



**Office of the Public Auditor
Commonwealth of the Northern Mariana Islands**

**P.O. Box 1399
Saipan, MP 96950**

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December 2, 1993

Mr. Robert A. Bisom
Legal Counsel
Office of the Public Auditor
P.O. Box 1399
Saipan, MP 96950

Dear Mr. Bisom:

The purpose of this letter is to bring a problem to your attention and to formally ask for a response in writing.

At a supervisor's staff meeting at about 3:00 p.m. on November 30, 1993, you said you would have to be absent from the office either Thursday December 2, 1993 or Friday December 3, 1993 for medical appointment on Guam. I said "ok" and approved this absence in the context that you would be here Wednesday, December 1, 1993 and you would only be gone one day.

Now it turns out that Wednesday thru Friday you did not come in reportedly for being sick.

It is furthermore significant to note that at 4:30 p.m. on November 30, 1993, I was in your office and you still said nothing about being off but one day.

So on the morning of December 1, 1993 you called in and told an office secretary you were sick. Then during the day you possibly became well enough to call Deloitte & Touche at noon and possibly others and engage them in a discussion about this office, and their pending audit work.

Later around 12:30 p.m., you seem to have recovered sufficiently to bring a government car to this office but I note you did not speak to me about what was happening nor did you go back to work that day.

As your supervisor, I frankly would like an explanation in writing. I was here on December 1, 1993 and I find it strange that you would not extend me any courtesy and consideration to me when you seem to

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EXH. C (1)
00311

have been well enough to make various telephone calls and evidently travel around the island. You have been told that my door (and telephone obviously) was always open to you for discussions. I certainly would want to be told if you are going to be gone from this office three days just after saying you would be out one day particularly in the context of numerous work assignments I had given you.

Thank you.

Yours very truly,


Robert D. Bradshaw
Temporary Public Auditor



EXH. C

00312



**Office of the Public Auditor
Commonwealth of the Northern Mariana Islands**

**P.O. Box 1399
Saipan, MP 96950**

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December 3, 1993

Mr. Robert A. Bisom
Legal Counsel
Office of the Public Auditor
P.O. Box 1399
Saipan, MP - 96950

Dear Mr. Bisom:

On November 29, 1993, I discussed with you some aspects about my appointment as Temporary Public Auditor. I had this conversation in private and in the context of your duty position as "Legal counsel" to this office. I considered our conversation to be privileged and confidential and thus subject to your professional ethical demands as well as being in compliance with my publicly stated position directing you and other employees to not discuss Public Auditor business with persons outside this office except in line of duty.

In our private November 29, 1993 talk you specifically noted that the words Acting Public Auditor and Temporary meant the same thing in terms of my concern as well as mentioning several other relevant facts. All of this was done in the context of confidential, privileged information. You were specifically directed to not discuss it with anyone.

Recently allegations have surfaced that you have been in contact with personnel at the Legislature and that you have disclosed our privileged conversation on this matter.

I want a written response from you on this by 11:30 a.m. the day you receive this letter.

In accordance with your legal rights under the US and CNMI Constitutions, please be advised that you may decline to answer. If so, please state the reason.

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EXH-C (E)
00313

Please be advised that this subject is currently under investigation and may result in legal and/or disciplinary actions being filed against you. I am in the process of preparing a communication to the bar association on this and other matters that have been brought to my attention in regards to your conduct.

Thank you.

Yours very truly,



Robert D. Bradshaw
Temporary Public Auditor

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EXH. C 00314



**Office of the Public Auditor
Commonwealth of the Northern Mariana Islands**

**P.O. Box 1399
Saipan, MP 96950**

**Tel: 234-6481-2/8662
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December 3, 1993

Mr. Robert A. Bisom
Legal Counsel
Office of the Public Auditor
P.O. Box 1399
Saipan, MP 96950

Dear Mr. Bisom:

Allegations have come to my attention that the week of November 26, 1993 to December 3, 1993, you have personally contacted two or more persons outside the Office of the Public Auditor and discussed things about the Office of the Public Auditor under my tenure since I became Temporary Public Auditor on November 28, 1993. If these allegations are true, they are most serious. Be assured that I will launch an inquiry to try to determine their propriety and the extent if any, of your leaks to outsiders. If it develops that these allegations are true and you have acted improperly to leak or otherwise communicate Public Auditor information to persons outside this office without authorization and beyond your duties as Legal Counsel possibly in a way that can discredit or embarrass me or this office, be advised that I will initiate the following actions:

1. advise the Attorney General Office for them to investigate and see if CNMI laws have been violated.
2. Take other appropriate disciplinary action.

Also, in the interim, please be advised that I will file an ethics complaint against you with the applicable bar associations on this matter and on the possibility that you may have violated Commonwealth laws which I am outlining in other communications to you at this time.

In the mean time I want to reiterate my position that the leaking of information or having discussions outside this office and office staff about the decisions, activities, functions and conversations ongoing in the Office of the Public Auditor violate my policies as well as your professional ethics as legal counsel for this office. I have stated this position on four occasions to you and others at

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EXH-C (F)
00315

staff or supervisor meetings on November 29 and 30. I have said to you and others that I wanted Public Auditor information left in the Public Auditor's Office when staff personnel leave this office for personal activities.

Furthermore, I have had private conversations with you about this office and my position as Temporary Public Auditor which I considered to be confidential and privileged information since you are the Legal Counsel for this office.

In short, I want to state that I will not tolerate the unauthorized and/or improper disclosure of Public Auditor information to activities, agencies and people outside this office.

May I please have your comments in writing about this matter by 4:30 p.m. on the day you receive this letter. Please remember your legal constitutional rights when replying.

Thank you for your cooperation.

Yours very truly,

Robert D. Bradshaw

Robert D. Bradshaw
Temporary Public Auditor

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EXH. C 00316



**Office of the Public Auditor
Commonwealth of the Northern Mariana Islands**

**P.O. Box 1399
Saipan, MP 96950**

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December 3, 1993

Mr. Robert A. Bisom
Legal Counsel
Office of the Public Auditor
P.O. Box 1399
Saipan, MP 96950

Dear Mr. Bisom:

On November 29, and 30, 1993 I outlined certain duties for you to accomplish at once and before you took off on sick leave ostensibly either December 2 or 3, 1993 as you told me at a supervisor's meeting. Some of these assignments were made at supervisor's staff meetings.

Specifically I asked you to help on an urgent contract we were working on. At one point, you said it was sole source when in fact according to procurement regulations it was competitive bidding. I told you to change that designation at once. You really dropped the contract on me and did very little work on it and improperly neglected to change the sole source statement.

These first two days, I directed you to review the office appropriation laws and to brief Dolores Castro on reprogramming provisions. According to Ms. Castro, you did not.

I told you that I urgently needed you to get the Public Accounting Act out and brief me on it at once. You never did do this.

Finally, I asked you to give me a list of projects you are working on. You never responded.

I feel that I gave you several important tasks on November 29 and 30 which were not properly done. Frankly, your attitude did not appear to be good or one of wanting to do your job properly. I had the impression you were apathetic and indifferent about the needs of this office.

In term of your continued employment in this office, I would like to have your response to the above.

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EXH. C (4)
00317

Thank you.

Yours very truly,


Robert D. Bradshaw
Temporary Public Auditor

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EXH. C 00318



**Office of the Public Auditor
Commonwealth of the Northern Mariana Islands**

**P.O. Box 1399
Saipan, MP 96950**

**Tel: 234-6481-2/8662
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December 3, 1993

Mr. Robert A. Bisom
Legal Counsel
Office of the Public Auditor
P.O. Box 1399
Saipan, MP 96950

Dear Mr. Bisom:

Upon my assumption of duties here as Temporary Public Auditor I told you that it would be my intention to proceed with awarding a contract to Deloitte and Touche for audit of the CNMI Government. It was my understanding that they were the successful bidders on the public announcement on Request for Proposals.

Later, I was told by staff personnel that the Governor elect had contacted my predecessor and had expressed his desire to have the audit delayed. I said I will not delay the audit for possible political reasons.

After you fully knew and understood my decision, you, other staff members and myself attended a meeting with Deloitte and Touche personnel and Department of Finance representatives in the DOF conference room.

During the course of this meeting I announced my decision and Deloitte & Touche, DOF, Merlinda and I discussed the particulars of the audit and contract.

After we had finished and being all in accord, you said you had something to say. As I remember, you said that you had told Deloitte & Touche not to submit a proposal and this audit was not to proceed. (Apparently as envisioned in the public announcement).

It appeared to me that your actions may have possibly been designed to embarrass or discredit me or this office or for political purpose.

I would like to have from you a statement in writing regarding your authority to act as you did and the basis for your statement.

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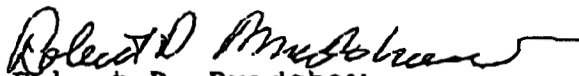
E.H.C. (H)

00319

Please remember your constitutional privileges in responding.

Thank you.

Yours very truly,



Robert D. Bradshaw
Temporary Public Auditor

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EXH. C 00320



Office of the Public Auditor
Commonwealth of the Northern Mariana Islands
P.O. Box 1399
Saipan, MP 96950

Tel: 734-6481-2/8662
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Pub Aud NMI Saipan

December 6, 1993

Mr. Robert A. Bisom
Legal Counsel
Office of the Public Auditor
P.O. Box 1399
Saipan, MP 96950

Dear Mr. Bisom:

Recently on September 24, 1993, Mr. Tan and you appeared on TV to discuss a notice which was the subject of a complaint this office had received and was either investigating, or was apparently going to investigate regarding Ramon S. Guerrero.

In this medium, you stated something to the effect that in your opinion the notice violated subsections (c) and (d) of Section 8431 of P.L. 8-11 (although these laws had been appealed by P.L. 8-26 on September 13, 1993).

Two questions surface. First, if the law had been "repealed". What was wrong or illegal that this office was investigating or was going to investigate. Second, does Section 8463 of P.L. 8-11 require that complaints to the Public Auditor and investigations and recommendations thereon shall be confidential. If so, how does this section impact upon your comments to the TV reporter.

I would note that this story was picked up by the Saipan media and it was publicized which makes this whole thing interesting.

In terms of your duties in this office, please write me an answer to the above questions not later than 48 hours after you receive this letter.

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EXH. C (1) 00321